

Town of Frederick Board of Trustees



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AM 2009-119

RESOLUTION OF SUFFICIENCY TO ANNEX 1.02 ACRES ST. VRain / TRI-AREA SANITATION DISTRICT ANNEXATION #2

Agenda Date: Town Board Meeting – December 8, 2009

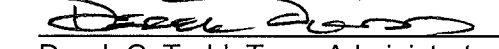
Attachments:

- a. Petition
- b. Letter of intent / project description
- c. Proposed Annexation Map
- d. Resolution
- e. Vicinity Map

Fiscal Note: None noted


Bryan Ostler, Acting Finance Director

Submitted by: 
Todd C. Tucker, Staff Planner

Approved for Presentation: 
Derek C. Todd, Town Administrator

AV Use Anticipated Projector _Y_ Laptop ___

Certification of Board Approval:

Nanette Fornof, Town Clerk

Date

Summary Statement: Saint Vrain Sanitation has requested that public hearings be scheduled to consider the proposed annexation of 1.02 acres adjacent to the former Tri-Area Sanitation Facility along Colorado Boulevard and east of Milavec Lake. Staff finds the petition and application for annexation is in substantial compliance with the applicable provisions of the Land Use Code and has referred the request to the Board of Trustees for a finding of sufficiency and adoption of hearing dates in order to meet the public notice requirements for consideration of the request. The application will also include a zoning and a minor subdivision plat. The recommended hearing dates are:

- ☐ 7:30 pm January 5, 2010 Planning Commission
- ☐ 7:00 pm January 26, 2010 Board of Trustees

Detail of Issue/Request: The applicant has requested the annexation of an orphaned area of land, which consists of 1.02 acres owned by the District but under the County's jurisdiction, as follows:

Tri–Area Sanitation Annexation 2: consists of 1.02 acres adjacent to Colorado Boulevard in Section 19, T2N, R67W.

The intent of the annexation is to combine an un-annexed area of the property with the previously annexed areas and establish a zoning district that is consistent with the contemplated use for the site, and corrects an error that occurred in the original annexation (circa 1989) which excluded this land area from the annexation (see attached map and plats).

Applicant/Owner: Eric Doering, Manager, St. Vrain Sanitation
Agent: Suzette L. Schaff, P.E., CDS Engineering Corporation

Discussion: Staff finds that the application is in substantial compliance with the applicable requirements and eligible for annexation. Therefore, in accordance with Section 13.5 of the Land Use Code, the Board of Trustees may, by the adoption of a resolution of intent to annex, set the annexation and zoning for public hearing on a specified date, time and place, not less than thirty days nor more than sixty days from the effective date of the resolution, subject to compliance with Section 31-12-108, C.R.S. The dates recommended, meet the timing requirements of this statute.

Eligibility for annexation shall be determined by conformity with the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, the Provisions of Article 13 of the Land Use Code, and as determined by the Board of Trustees in its sole discretion. Furthermore, in accordance with the provisions of the Land Use Code, the Board of Trustees may annex the land by ordinance without election.

Authorization to proceed in scheduling public hearings for the proposed annexation and zoning does not obligate the Town to annex the site or vest any particular use. This authorization establishes the review schedule and determines the public hearing dates for the proposed annexation.

There are specific public notice requirements for annexations that will be met in accordance with the recommended hearing schedule. The annexation and zoning of the site is subject to review and approval through the applicable process as outlined in the Town's Land Use Code and governed by State law.

Legal/Political Considerations: None noted.

Alternatives/Options: The Board may authorize the request, deny the request, or make modifications based on any new information to further the intent of the code and accommodate the unique features and circumstances of the site.

Financial Considerations: Not Applicable

Staff Recommendation: Staff finds the application can meet the applicable requirements for annexation and respectfully requests that the Board of Trustees find the application sufficient for consideration and adopt the following hearing dates to facilitate the review:

- ☐ 7:30 pm January 5, 2010 Planning Commission
- ☐ 7:00 pm January 26, 2010 Board of Trustees